

**All State Only. (Interim-Status Closure)**

0033189

• **Part III: Chapter 3: Hanford Waste Vitrification Plant  
All State Only (Pending State Authorization of Subpart X)**

• **Part IV: Corrective Action for Continuing Releases (All State  
Only)**

9403189.0000

For inclusion in the Fact Sheet ...

*March  
August, 1990*

#### **EPA DETERMINATION**

Pursuant to the Hazardous and Solid Waste Amendments of 1984 (HSWA), EPA has made a determination that there have been releases to environmental media from past practices at the Hanford facility which could present a potential threat to human health or the environment. The (date) Federal Facility Agreement and Consent Order (FFACO) is the mechanism being used to perform many of the investigations and cleanups required at the Hanford facility.

Section V of the draft RCRA permit contains provisions requiring investigation and cleanup of units requiring further action which were excluded from the FFACO. The draft permit requires the Permittee to submit RCRA Facility Investigation (RFI) workplans within 270 calendar days from the effective date of the permit. The public will then be given an opportunity to comment on the proposed cleanup activities (through the permit modification process) before the final remediation begins.

Table V.1 of the permit identifies the Solid Waste Management Units (SWMUs) which are subject to Section V of the permit. The SWMUs identified at the Bonneville Power Administration (BPA) and U.S. Ecology are included as part of this permit for purposes of corrective action, as BPA and U.S. Ecology lands are owned by the United States Department of Energy (USDOE), and thus are considered part of the contiguous facility for the purpose of corrective action under RCRA. In this case, therefore, the landowner (i.e., USDOE), as the permittee, is being required to perform corrective action to remediate releases from these units as necessary to protect the human health and the environment.

EPA Region 10 is aware of the March 5, 1986, Notice of Intent to Propose Rules (51 Fed. Reg. 7723-7724) which states that major subdivisions of federal agencies are to be recognized as owners for purposes of corrective action. However, the proposed rulemaking also states that until a final rule clarifying EPA's position was proposed, EPA "...intends to recognize principal subdivisions as a matter of statutory interpretation on a case-by-case basis in individual permit proceedings." See 51 Fed. Reg. at 7723. In the present case, it is reasonable to include the BPA Midway SWMUs at this time because the property is within the RCRA definition of a contiguous facility, there have been releases from this SWMU identified in the RCRA Facility Assessment, and BPA is voluntarily undertaking an action to remediate the releases.

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## SECTION V: CORRECTIVE ACTION

## V.A GENERAL

V.A.1 In accordance with Section 3004(u) of RCRA, the regulations promulgated thereunder, and relevant technical guidance, the Permittee must institute corrective action as necessary to protect human health and the environment for all releases of hazardous waste(s) or hazardous constituent(s) from any solid waste management units (SWMUs) at the facility, regardless of the time at which waste was placed in such units.

V.A.2 In accordance with Section 3004(v) of RCRA, the regulations promulgated thereunder, and relevant technical guidance, the Permittee must implement corrective action beyond the facility property boundary, where necessary to protect human health and the environment, unless the Permittee demonstrates to the satisfaction of the Administrator that, despite the Permittee's best efforts, the Permittee was unable to obtain the necessary permission to undertake such actions. The Permittee is not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis.

## V.B CORRECTIVE ACTION FOR PAST PRACTICES

V.B.1.a All RCRA Past Practice work, for RCRA Past Practice units identified in Appendix C of the FFACO, done pursuant to the ~~FFACO~~ will not be subject to Section V of this permit until incorporated into this permit through a permit modification.

V.B.1.b Those units designated as CERCLA Past Practice units in Appendix C of the FFACO shall not be subject to the provisions of Section V of this permit.

V.B.2.a Within two hundred and seventy (270) calendar days of the effective date of this permit, the Permittee shall submit a RCRA Facility Investigation (RFI) workplan for each Solid Waste Management Unit (SWMU) identified on Table V.1 of this permit. The RFI workplan shall be in accordance with EPA guidance and policy, and shall identify all activities necessary to determine the

March 1990, Federal Facility Agreement and Consent Order (FF)

5/10/92

nature and extent of known and suspected releases of hazardous wastes and/or hazardous constituents from each SWMU, and to gather data to support any required corrective measures. The RFI workplan shall also contain a schedule for implementation of all activities contained therein, including preparation of a final RFI Report.

- V.B.2.b** The RFI workplan shall be approved, modified and approved, or disapproved in accordance with the dispute resolution procedures contained in the FFACO.
- V.B.2.c** The Permittee shall conduct the RCRA Facility Investigation for the SWMUs specified on Table V.1 of this Permit in accordance with the approved workplan and schedule. The Administrator's acceptance of the final RFI Report shall be subject to the dispute resolution procedures contained in the FFACO.
- V.B.3.a** Based on the results of the RCRA Facility Investigation, the Administrator may direct the Permittee to identify, screen, and develop the alternative or alternatives for removal, containment, treatment, and/or other remediation of the contamination. The Permittee shall conduct this Corrective Measures Study in accordance with guidance and policy to be provided at the time of the Administrator's acceptance of the final RFI Report.
- V.B.3.b** Upon the Administrator's acceptance of the Corrective Measures Study prepared pursuant to permit condition V.B.3.a, the Permittee shall prepare and submit to the Administrator a Corrective Measures Implementation Program Plan. This plan shall be in accordance with EPA guidance and policy, and shall be accompanied by a permit modification request.

## **V.6 DISCOVERY OF RELEASE**

- V.C.1** If at any time during the term of this Permit the Permittee discovers a release of hazardous waste or hazardous constituents at or from the facility which is not at the time of discovery being addressed by the FFACO or Section V of this permit, and may present an imminent threat to human health or the environment, the Permittee shall notify the Administrator in writing of the nature, source, extent, location, and magnitude of such a release.

This notification shall be submitted in two parts. First, within fifteen (15) calendar days of discovery of the release the Permittee shall submit in writing an initial notification report of the discovery. This

notification shall alert the Administrator to the magnitude of the threat (as it is currently perceived by the Permittee).

Then, within sixty (60) calendar days of such a discovery, the Permittee must submit a comprehensive written report. The report shall discuss the Permittee's efforts to investigate and/or remediate the discovered release and shall specifically include:

- V.C.1.a The concentrations and estimated quantities of any hazardous wastes or hazardous constituents releases;
- V.C.1.b The known, or expected, pathway(s) through which the contamination is migrating (or may migrate), and the extent, rate, and direction of that migration;
- V.C.1.c The projected fate and transport of the release;
- V.C.1.d The likely exposure pathway(s) for potential receptors, and the consequences of exposure to these receptors; and,
- V.C.1.e An outline of proposed Interim Measures to arrest the release, as well as a schedule for implementing the Measures. The schedule should be justified by a discussion of the possible consequences arising from the delay in implementing Interim Measures.

In addition, if at any time during the term of this Permit, the Permittee discovers a release of hazardous waste or hazardous constituents at or from the facility which is not at the time of discovery being addressed by the FFACO or Section V of this permit, and does not present an imminent threat to human health or the environment, the Permittee may request review of voluntary measures proposed for addressing the release following notification to the Administrator in writing of the nature, source, extent, location, and magnitude of such a release.

- V.C.2 If, based either on information submitted in permit condition V.C.1 above, or on information obtained during the investigation or monitoring of the facility, the Administrator determines at any time that an imminent threat to human health or the environment may result from a release at the facility, the Permittee will be directed by a notification from the Administrator to submit an Interim Measures implementation workplan designed to minimize that threat. The workplan must propose Interim Measures which would, to the fullest extent practicable, be consistent with the objectives (and contribute to the performance) of any longer-term remedy which may

- V.D.4.d The potential for further degradation of the medium absent of interim measures;
- V.D.4.e Presence of hazardous waste in containers that may pose a threat of release;
- V.D.4.f Presence and concentration of hazardous constituents in soils that have the potential to migrate to groundwater or surface water;
- V.D.4.g Weather conditions that may affect the current levels of contamination;
- V.D.4.h Risks of fire, explosion, or accident; and,
- V.D.4.i Other situations that may pose threats to human health and the environment.

eventually be required. In such a case Interim Measure actions and studies previously undertaken by the facility may be submitted or referenced by the Permittee.

#### **V.D INTERIM MEASURES**

- V.D.1** If during the course of any activity initiated in compliance with the permit conditions of Section V of this permit, the Administrator determines that a release or potential release of hazardous waste and/or hazardous constituent(s) from a Solid Waste Management Unit poses a threat to human health and the environment, the Administrator may require the Permittee to perform specific interim measures.
- V.D.2** The Administrator shall notify the Permittee in writing of the requirement to perform the interim measures specified in the Interim Measures Plan in accordance with permit condition V.D.3. The Permittee shall comply with the specified Interim Measures Plan alternative (permit condition V.D.2.a or V.D.2.b) designated in the written notification.
- V.D.3** The Permittee shall perform the requirements of the Interim Measures Plan in accordance with the alternative specified in either permit condition V.D.3.a or V.D.3.b.
- V.D.3.a** The Administrator shall determine specific actions to implement the interim measures. The Administrator shall provide an Interim Measures Plan with the written notification specified in permit condition V.D.2; or,
- V.D.3.b** Within thirty (30) calendar days of receiving the written notification requiring the Interim Measures Plan as specified in permit condition V.D.2, the Permittee shall submit an Interim Measures Plan to the Administrator for approval.
- V.D.4** The Interim Measures Plan shall identify specific action(s) to be taken to implement the interim measures and a schedule for implementing the required measures. At a minimum, the Interim Measures Plan shall consider, but not be limited to, the following factors:
- V.D.4.1** Time required to develop and implement a final remedy;
- V.D.4.b** Actual and potential exposure of human and environmental receptors;
- V.D.4.c** Actual and potential contamination of drinking water supplies and sensitive ecosystems;

**TABLE V.1**

## LIST OF SOLID WASTE MANAGEMENT UNITS

**U.S. Ecology:**

- ~~STUDY~~ 1 - Chemical Trench  
~~STUDY~~ 2 - Trenches 1 through 11A  
~~STUDY~~ 3 - Underground Resin Tanks

**Manford Federal Facility:**

- 1 - 400 Area Process Ponds  
 2 - Position #90 Northslope  
 4 - Gravel & Borrow Pits  
 6 - BWIP Boreholes

**Bonneville Power Administration:**

- ~~SECRET~~ 1 - Midway Landfill  
~~SECRET~~ 2 - DOE 351 Substation  
~~SECRET~~ 3 - ASHE Substation



**STATE ONLY CONDITIONS****DRAFT PERMIT DTD****DEFINITIONS:**

- Action Levels
- Best Efforts
- facility vs. Facility
- Unsound- incomplete
- Investigative Derived Waste
- Temporary Unit (Temporary Authorization 40 CFR § 270.42(e))
- Unit: Refers to Parts III and IV

**CONDITIONS**

- Part I: Standard Conditions:
  - I.A.1.b SWMUs
  - I.A.2 Identifies PNL and WHC as Permittees  
No Attachment 4 & 5
  - I.A.4 Refers to Part IV
  - I.E.18.b. On-Site Manifesting of Waste
- Part II: General Facility Conditions:
  - Part II.A (All) Facility Wide Contingency Plan and Emergency Procedures
  - II.B (All) Facility wide Preparedness & Prevention
  - II.C (All) Facility Wide Personnel Training
  - II.D (All) Facility Wide Waste Analysis Plan
  - II.E (All) Facility Wide Quality Assurance/Quality Control
  - II.F. Omitted
  - II.G. (All) Facility Wide Groundwater Monitoring
  - II.H Dangerous Waste Management Unit Status
  - II.I. Facility Wide Recordkeeping & Reporting
  - II.J. Operating Record (Refers to Part III Units)
  - II.K Closure: Facility Wide Closure Plan
  - II.L. Soil Closure/Remediation Performance Standards
  - II.M. Design and Operation of the Facility
  - II.N. Omitted
  - II.O. Security
  - II.P. General Inspection Requirements
  - II.Q. Manifesting System
  - II.R. On-site Transportation
  - II.S. Equivalent Materials
  - II.V. Mapping of Underground Piping
  - II.W. Marking of Underground Piping
  - II.X. Other Permits and/or Approvals
  - II.Y. Schedule Extensions ("Best Efforts")/(Permit Modification).

~~• Part III: Chapter 1: 616 Non-Radioactive Dangerous Waste Storage Facility (All) State Only~~

- Part III: Chapter 2: 183-H Solar Evaporation Basin

206 553 0957

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FAX FORM

DATE: 1/13/92

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Seattle, WA 98101

To confirm your fax,  
call the person to whom  
your fax was sent

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TOTAL PAGES: 8

COMMENTS: ATTACHED ARE (1) LIST OF "STATE ONLY"  
CONDITIONS, (2) FACT SHEET AND (3) PART V  
CORRECTIVE ACTION SECTION

For FAX information, call (206) 553-4141 for the FAX operator.  
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